THE HON'BLE SRI. JUSTICE GODA RAGHURAM

W.P.No. 8307 of 2006

28-04-2006

Between:-

Smt. V. Jayamma and four others.

Petitioners

And

The Commissioner, Endowments Department, Government of Andhra Pradesh, Tilak Road, Hyderabad and two others.

Respondents

THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No.8307 of 2006

Oral order:

This writ petition is filed assailing the alleged *ex-parte* order dated 01-04-2006 in O.A.No. 50 of 1989of the 2nd respondent. One V.B. Kuppachari was, admittedly, in unauthorized occupation of land in an extent of 1312 Sq. feet in survey No. 303/5 of Puttur town, Chittoor district belonging to the Sri Sadasiva Swamy Temple, Puttur, the 3rd respondent.

The 2nd respondent initiated proceedings under Section 83 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short 'the Act') in O.A.No. 50 of 1989 to determine the status of V.B. Kuppachari as an encroacher and for his eviction. The said V.B. Kuppachari died on 15-10-2001. His legal representatives viz., petitioner Nos. 1 to 5 herein were brought on record in O.A.No.50 of 1989. On a meticulous analysis of the facts, the 2nd respondent found no evidence of grant of any valid lease in favour of the petitioners following even the minimal requirement of the relevant statute and statutory rules. Accordingly, after determining the

petitioners herein as encroachers, they were directed to vacate the premises and handover the vacant possession of the site to the 3rd respondent-Temple, failing which action would be taken for their eviction in accordance with law and as per the procedure ordained under Section 84(1) of the Act and within fifteen (15) days after the expiry of the period of fifteen (15) days granted to the petitioners to voluntarily vacate the premises. The petitioners state that they have a revisional remedy to the 1st respondent and within a period of ninety (90) days. Therefore, contend the petitioners, directing their eviction within a month from the date of the order impugned, is arbitrary. Neither in the O.A. proceedings nor before this court, have the petitioners pleaded, established or demonstrated any legitimate entitlement to continuance in the 3rd respondent-Temple lands. The petitioners plead that as they are illiterates and did not know nuances of law, they were put into possession by way of an oral lease granted by the trustees. It is the clear statutory position that neither the trustees nor any authority in the Endowments Department or in the State Government have any manner of power, authority or jurisdiction to enter into oral leases in respect of temple/devasthanam properties. If the petitioners were misled into occupation of the property on the oral assurances of any person or authority, they are at liberty to pursue all remedies available at law and relentlessly against such person or authority. If some authority under the garb of official power, had granted an oral lease to the petitioners, they are also at liberty to seek sanction for prosecution of such authority in criminal law. In any event by the device of such extravagant and illegal procedure, the petitioners' occupation of endowment lands would not be rendered legitimate. The petitioners have no legal basis to resist the eviction and no Mandamus can be issued by this court to perpetuate an illegality. There are no merits.

The writ petition is dismissed, at the stage of admission, after hearing the learned Government Pleader for Endowments for the respondents. No costs.

GODA RAGHURAM, J

Dated:28-04-2006

Pvks/*